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10/714,869	11/18/2003	Hideki Akashika	245423US6	3131

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EXAMINER

MOUZON, LAJUANIA N

ART UNIT	PAPER NUMBER
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2153

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/714,869	Applicant(s) AKASHIKA ET AL.	
	Examiner La Juania N. Mouzon	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment filed 1/9/2008. Claims 1-4, 6-13, and 15-18 are pending. Claims 5, 14, and 19 are canceled.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: defining computer readable medium or amend claims 13 and 18 to provide proper antecedent.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 2, 12, 13, 15, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. In regards to all the independent claims listed above, it is unclear as to how the command can include the information needed whereas the command is what is included in the packet that is transmitted. The Examiner will interpret this, as the packet that includes the command will also include the information needed as required for the amended part of these claims. Likewise, the performing of a process, it is unclear as to

what is being processed. The Examiner will interpret this as processing of the packet in accordance with the command included in the packet. Moreover, the process that is continued in accordance with a following command (packet), it is also unclear as to what process this referencing, the same process that failed or another process within the same packet or a following packet. The Examiner will interpret this, as a following packet should be processed in accordance within the same packet.

6. The Examiner notes that the applicant agreed with the above interpretation in the remarks filed 1/9/2008, pg. 3. However, in order to further clarify the previously amended part of the independent claims the Examiner suggest possibly added steps or bringing in particulars, from the specification, to further clarify the claims. For instance, the type information that is the indicator. Another example, amend the previously amended part as, "wherein the packet includes information...to perform processing the packet in accordance with the command, <another/following> process should be processed in accordance with a following packet."

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 6, 8, 11-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroshima et al. (US 6,782,426) in view of Sivakumar et al. (US 6,031,990).

10. In regards to claim 1 Kuroshima et al. discloses, a control system comprising an information processing apparatus (**Fig. 1 #103 client**) and an information terminal (**Fig. 1 #108 server**) connected with each other via a network (**Fig. 1 #100**), the system comprising:

- a. the information terminal comprising:
 - i. request means for, in a state in which a device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Col. 14 line(s) 4-16**);
 - ii. receiving means for receiving a packet including a command for controlling the device, from the information processing apparatus via

communication established in response to the request issued by the request means **(Col. 15 line(s) 39-40)**; and

iii. control means for controlling the device in accordance with the command included in the packet received by the receiving means **(Col. 15 line(s) 47-49)**,

b. the information processing apparatus comprising:

iv. establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal **(Col. 14 line(s) 4-16)**; and

v. transmission means for transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means **(Col. 15 line(s) 19-29)**,

11. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

12. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

14. In regards to claim 2 Kuroshima et al. discloses, a control method for controlling a control system comprising an information processing apparatus and an information terminal connected with each other via a network, the method comprising an information processing method associated with the information terminal and an information processing method associated with the information processing apparatus,

- c. the information processing method associated with the information terminal comprising the steps of:

- vi. in a state in which a device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network **(Col. 14 line(s) 4-16)**;
 - vii. receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued in the request step **(Col. 15 line(s) 39-40)**; and
 - viii. controlling the device in accordance with the command included in the packet received in the reception step **(Col. 15 line(s) 40-57)**,
- d. the information processing method associated with the information processing apparatus comprising the steps of:
- ix. establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal **(Col. 14 line(s) 4-16)**; and
 - x. transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established in the establishment step **(Col. 15 line(s) 19-29)**,

15. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

16. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

18. In regards to claim 3 Kuroshima et al. discloses, an information processing apparatus for controlling a device connected with an information terminal with a particular timing via the information terminal connected via a network with the information processing apparatus, the information processing apparatus comprising:

e. establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal (**Col. 14 line(s) 4-16**); and

f. transmission means for transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means (**Col. 15 line(s) 19-29**).

19. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

20. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for

the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

22. In regards to claims 4 and 16 Kuroshima et al. discloses, receiving means for receiving, from the information terminal, a second packet including a response to the command transmitted from the transmission means **(Col. 16 line(s) 17-23)**.

23. In regards to claim 6 Kuroshima et al. disclose, wherein the first packet transmitted by the transmission means includes a plurality of commands belonging to a same protocol **(Col. 15 line(s) 38-40)**.

24. In regards to claim 8 Kuroshima et al. discloses, wherein the first packet transmitted by the transmission means includes identification information identifying the device to be controlled in accordance with the command **(Col. 13 line(s) 53-65)**.

25. In regards to claim 11 Kuroshima et al. discloses, command means for commanding the information terminal to start transmitting predetermined information in the communication established by the establishment means **(Col. 15 line(s) 24-27)**.

26. In regards to claim 12 Kuroshima et al. discloses, an information processing method for an information processing apparatus to control a device connected with an information terminal with a particular timing via the information terminal connected via a network with the information processing apparatus, the method comprising the steps of:

g. establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal (**Col. 14 line(s) 4-16**); and

h. transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established in the establishment step (**Col. 15 line(s) 19-29**).

27. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

28. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

30. In regards to claim 13 Kuroshima et al. discloses, a computer readable medium including a computer executable instructions, wherein the instructions, when executed by a processor cause a computer to perform a process of controlling a device connected with an information terminal with a particular timing via the information terminal connected via a network with the computer, the process comprising the steps of:

- i. establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal **(Col. 14 line(s) 4-16)**; and
- j. transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established in the establishment step **(Col. 15 line(s) 19-29)**.

31. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in

accordance with the command, a process should be continued in accordance with a following command.

32. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

34. In regards to claim 15 Kuroshima et al. discloses, a information terminal connected via a network with an information processing apparatus for remotely controlling a device, comprising:

- k. request means for, in a state in which a device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Col. 14 line(s) 4-16**);

l. receiving means for receiving a first packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued by the request means **(Col. 15 line(s) 39-40)**; and

m. control means for controlling the device in accordance with the command included in the first packet received by the receiving means **(Col. 15 line(s) 47-49)**.

35. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

36. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail **(Col. 4 line(s) 5-11)**. Then based on the return code a process continues in accordance with a following command **(Col. 4 line(s) 21-27)**.

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for

the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

38. In regards to claim 17 Kuroshima et al. discloses, an information processing method for an information terminal connected via a network with an information processing apparatus for remotely controlling a device, the method comprising the steps of:

- n. in a state in which a device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Col. 14 line(s) 4-16**);
- o. receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued in the request step (**Col. 15 line(s) 39-40.**); and
- p. controlling the device in accordance with the command included in the packet received in the reception step (**Col. 15 line(s) 40-57**).

39. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

40. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

42. In regards to claim 18 Kuroshima et al. discloses, an computer readable medium including a computer executable instructions, wherein the instructions, when executed by a processor cause a computer to perform information processing performed between the computer and an information processing apparatus for remotely controlling a device, the process comprising the steps of:

q. in a state in which a device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Col. 14 line(s) 4-16**);

r. receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued in the request step (**Col. 15 line(s) 39-40**); and

s. controlling the device in accordance with the command included in the packet received in the reception step (**Col. 15 line(s) 40-57**),.

43. Kuroshima et al. do not teach wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

44. In the same field of endeavor Sivakumar et al. teach executing commands that includes returns codes (indicating information), for indicating whether the command passed or fail (**Col. 4 line(s) 5-11**). Then based on the return code a process continues in accordance with a following command (**Col. 4 line(s) 21-27**).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control method and server-client system with Sivakumar et al. teaching as discussed above to allow for the capability of indicating what command should follow the failed command. Likewise including an indicator (return code) with a command to signal a critical process has failed and either the process has continued or have not continued.

46. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over over Kuroshima et al. (US 6,782,426) in view of Sivakumar et al. (US 6,031,990) as applied to claim 3 above, and further in view of Hickman et al. (US 7,130,888).

47. In regards to claim 7 neither Kuroshima et al. nor Sivakumar teach, wherein the transmission means transmits, together with the first packet, a simple program for causing the information terminal to determine which process should be performed by the device.

48. In the same field of endeavor Hickman et al. teach controlling a computer over a network providing a simple program with the first packet for determining which process should be performed by the device **(Col. 12 line(s) 57-67 – Col. 13 line(s) 1-7)**.

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control, method and server-client system and Sivakumar et al. computer software testing management with Hickman et al. teaching as discussed above to allow for the capability of the system in which the program is installed/ran on the ability to be monitored/controlled or to monitor or control a remote device.

50. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroshima et al. (US 6,782,426) in view of Sivakumar et al. (US 6,031,990) as applied to claim 3 above, and further in view of Tanno (US 6,374,298).

51. In regards to claim 9 Kuroshima et al. teach the transmission means transmits the first packet using HTTP as a communication protocol **(Col. 15 line(s) 39-40)**.

52. Neither Kuroshima et al. nor Sivakumar et al. teach, wherein when the communication link includes communicating via a firewall.

53. In the same field of endeavor Tanno teaches a remote operation system that sends remote devices (units) packets (services) via network through a firewall **(abstract line(s) 1-4)**.

54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuroshima et al. shared device control, method and server-client system and Sivakumar et al. computer software testing management with Tanno teaching as discussed above to allow for the capability of communicating via a firewall to devices to implement extensive security measures to prevent the intracompany network from hackers. Likewise, it is well known in the art to use HTTP as a protocol to communicate through the firewalls.

55. In regards to claim 10 Kuroshima et al. discloses, wherein the transmission means maintains the communication link using HTTP established by the establishment means for a period during which a plurality of first packets are transmitted (**Col. 15 line(s) 38-39**).

Response to Arguments

56. Applicant's arguments with respect to claims 1-4, 6-13, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

57. Applicant's arguments filed 1/9/2008 have been fully considered but they are not persuasive. Applicant states, "Applicants respectfully submit that the specification provides proper antecedent basis for a computer readable medium, as Page 8 of the specification describes a program and a storage medium including the program stored thereon." The Examiner notes, that it does read in the specification that a storage medium including the program stored thereon is used, but stating only "storage medium" does not inherently include a computer readable medium

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

LNМ